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# EI-11  
RQ

November 22, 2002

**VIA HAND DELIVERY**

Victoria Rutson, Esq.  
Chief, Section of Environmental Analysis  
Surface Transportation Board  
Room 504  
1925 K Street, N.W.  
Washington, D.C. 20423

FD 34284

**Re: Proposed Rail Line Construction in Medina County, Texas --  
Request for Waiver of Six-Month Pre-filing Notice**

Dear Ms. Rutson:

We are writing to notify the Section of Environmental Analysis ("SEA") of the intent of a subsidiary of Vulcan Materials Company ("Vulcan") to construct a rail line approximately seven miles in length in Medina County, Texas, between a planned limestone quarry to be operated by a subsidiary of Vulcan and a connection with the Union Pacific Railroad Company near milepost 250 of UP's Del Rio Subdivision north of Dunlay, Texas. The purpose of the rail line will be to provide rail common carrier transportation for the quarry and for any other industries that may wish to use the line in the future. The rail line will be operated by a wholly-owned subsidiary of Vulcan Materials that will be incorporated as a common carrier railroad under the rail incorporation laws of the State of Texas. The new railroad company will also construct the proposed line. To that end, the subsidiary intends to seek appropriate authorization to construct and operate the new line either pursuant to the Board's exemption authority under 49 U.S.C. § 10502 or pursuant to the terms of 49 U.S.C. § 10901. We have reserved Finance Docket No. 34284 for that purpose.

Pursuant to 49 C.F.R. § 1105.10(c), Vulcan respectfully requests that the Board waive the six-month pre-filing notice requirement of 49 C.F.R. § 1105.10(a) (1). The six month notice period may be waived "where appropriate." See 49 C.F.R. § 1105.10(c)(1). That pre-filing notice rule is triggered where "an environmental impact statement is required or contemplated."

We believe a waiver of the rule is appropriate in this case because of the limited scope of the project and because the anticipated environmental effects of this project are not significant enough to warrant the preparation of an environmental impact statement ("EIS"). Rather, while we recognize that SEA will make a final decision on this issue, we believe an environmental assessment ("EA") will be appropriate for this project.

The basic features of the project, as described below, show that the requested waiver of the six-month pre-filing requirement is fully warranted. These features were also summarized for SEA in our November 8, 2002 meeting with you and Rini Ghosh. At that time, we also provided you with maps of the area and the proposed rail line, as well as other relevant data concerning the proposed rail line construction.

The proposed rail line is in a rural area of Texas west of San Antonio. The land is primarily pastureland and farm land. The line will extend south from the future quarry approximately seven miles to the proposed connection with the UP. The area is sparsely populated with less than 300 people in the area of the quarry and the proposed rail line. The rail line will traverse, among other parcels, land owned or leased by Vulcan, including a tract on which the quarry will be developed, a tract for a remote rail yard near the connection with the UP and a tract near the quarry that will allow Vulcan to locate the fuel storage area off of the Edwards Aquifer. The proposed rail line would not impact the Edwards Aquifer Recharge Zone as all of the rail line except the connection with the quarry would be located out of the recharge zone. In addition, only two small drainage features would be crossed. Accordingly, it does not appear that the rail line would have any significant adverse impacts on wetlands.

The proposed line would not cross any major highways or any rail lines. As noted above, the area is sparsely populated. Thus, any impacts on traffic or emergency response would be negligible. The line will also be designed to avoid residences, of which there are very few in this area, and other structures.. It is not anticipated that the line will have any significant adverse impacts on the few sensitive receptors that might be impacted. Nor are there any parks or recreational locations that would be impacted by the line.

Moreover, it does not appear that the line will have any significant adverse impact on air quality. In fact, shipment of aggregate from the quarry via rail will result in substantially reduced air emissions as compared to shipment via trucks. Further, based on preliminary review, the line is not expected to have any significant impacts on wildlife or other biological resources, water quality and historic/cultural resources.

The quarry to be developed by Vulcan is expected to become the largest employer in Medina County and to contribute significantly to the County's tax base. As noted, the line will also be available to serve other businesses that may locate in the area, which is just west of San

Victoria Rutson, Esq.

November 22, 2002

Page 3

Antonio. The area is likely to be prove attractive for future business development given its proximity to an important transportation corridor between the U.S. and Mexico.

In short, we know of no significant environmental harm that the project is likely to cause. We intend very shortly to ask you to approve the appointment of a third-party consultant to prepare the environmental documentation associated with the project. This work would be conducted on behalf of the Board pursuant to 49 C.F.R. § 1105.10(d) and the Board's standard requirements for disclosure by a third party consultant. The rail entity to be established is prepared to enter a memorandum of understanding with the Board and the third-party consultant with respect to the environmental process. Also, the rail applicant will work with SEA and other relevant federal and state agencies to assess the impacts of the line. The applicant will also address any concerns that may be raised by persons who may be opposed to the construction of the line.

Because of the very limited scope of the project and the absence of any significant anticipated environmental harm, we believe waiver of the six-month pre-filing notice requirement is fully warranted.

Sincerely,

A handwritten signature in black ink, appearing to read "David Coburn", with a long horizontal flourish extending to the right.

David Coburn

Sara Beth Watson

Attorneys for Vulcan Materials Company

cc: Rini Ghosh, Esq.  
Mr. Darrell Brownlow